IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION M NO.65 OF 2005
IN
FAMILY COURT **APPEAL ST NO.4855 OF 200**5

Ms Sangeeta Devendra Oza, .. Applicant
Vs
Mr Devendra Madan Oza, .. Respondent

Mr Hitesh Vyas, for the applicant.
Mr Madhav Jamdar, for respondent (absent).

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : APRIL 12, 2005.

P.C.

1. Heard Mr Hitesh Vyas, learned counsel for the applicant. The respondent, though served and engaged an Advocate, is absent.

2. This is a delay condonation application to condone the delay of 71 days. The applicant states that the applicant is staying in U.S.A. The copy of the Judgment was obtained by the advocate and thereafter it was sent to the applicant in USA. After going through the judgment of the Family Court, the matter has been filed and, therefore, there is a delay of 71 days. In the affidavit in reply, it is contended that the delay is not of 71 days but it is of 131 days. No details are given regarding date on

which the copy of the judgment was sent to the applicant in USA. It is submitted that other facilities of communication are available and therefore the delay is not properly explained and the application may be rejected.

3. Office has found that there is a delay of 71 days and, therefore, the claim made by the respondent that there is a delay of 131 days in filing the appeal, is not correct. We find that the delay has been properly explained and sufficient cause has been shown. Hence, the delay is hereby condoned. The civil application is disposed of.

(D.B.BHOSALE, J.) **(S.B.MHASE, J.)**

/rrt/db-05/db-12405/cam65-05